

## WHAT IS PROVISIONAL VOTING?

Provisional voting allows a voter whose eligibility has been questioned to vote on Election Day. Provisional ballots must be kept in a separate, securable container until voter eligibility to vote is determined by the election authority AFTER Election Day.

## WHY DO WE HAVE PROVISIONAL VOTING?

- To ensure all qualified voters are allowed to vote.
- To correct any error made during the registration process.

## HOW DOES A PERSON KNOW OF THEIR RIGHT TO VOTE PROVISIONALLY?

Every challenged voter must be informed of their right to vote provisionally. This notification must be provided by the election judges.

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### Illinois State Board of Elections

Springfield Office  
2329 S. MacArthur Blvd.  
Springfield, IL 62704  
217-782-4141

Chicago Office  
69 W. Washington St. Suite LL08  
Chicago, IL 60602  
312-814-6440

[www.elections.il.gov](http://www.elections.il.gov)

# Provisional Voting

10 ILCS 5/18A

*Information on  
procedures of  
challenged votes*



## WHO IS ENTITLED TO VOTE A PROVISIONAL BALLOT?

Any person who claims to be a registered voter is entitled to cast a provisional ballot under the following circumstances:

- The voter's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote and the person has refused an opportunity to register;
- The voter's voting status has been challenged and a majority of the judges uphold the challenge;
- The voter did not provide identification when registering by mail and does not provide ID on Election Day;
- A court order extends the time for closing the polls, and the voter votes during this extended time period;
- The voter's name appears on the list of voters who voted during the early voting period, but the voter claims not to have voted during the early voting period;
- The voter received a vote by mail ballot, but failed to return it to the election authority (or election judges); or
- The voter attempted to register to vote on Election Day, but failed to provide the necessary documentation.

10 ILCS 5/18A-5(a)

## PROVISIONAL VOTING PROCEDURES

- Election judge confirms that the voter is at the correct precinct.
- Voter fills out and signs the *Provisional Voter Affidavit*.
- Election judge signs the *Provisional Voter Affidavit* and marks one of the seven reasons the voter is being issued a provisional ballot. The original affidavit stays with the provisional ballot envelope and the copy goes to the voter.
- The voter may present information that supports their claim to be a qualified voter. This information must be included on the affidavit and stays with the affidavit.
- The voter is issued a provisional ballot and a provisional ballot envelope.
- If the ballot is spoiled, it must be surrendered to the judge, who will issue a new ballot.
- The voted ballot is sealed in the provisional ballot envelope by the voter.
- The provisional ballot envelope is then returned to the election judges.
- The election judges will deposit the provisional ballot envelope in a SEPARATE SECURABLE CONTAINER (other than the ballot box containing the regular ballots).
- After voting provisionally, the voter is told how to submit additional proof of registration to the election authority, and how, after the election, to determine if their ballot was counted.

10 ILCS 5/18A-5(b)

## WHAT HAPPENS TO THE PROVISIONAL BALLOTS?

- The provisional voter may submit additional information to the election authority.
- The additional information must be received by the election authority within seven days following the election.
- The election authority has 14 days after the election to determine voter eligibility, and thus, if the ballot should be counted.
- The provisional ballots will then be counted or left sealed in the provisional ballot envelopes.
- The election authority will add the number of approved provisional ballots to the Election Day results.
- The provisional voter may find out whether their ballot was counted and, if it was not counted, the reason it was not counted.
- If the ballot is not counted, the provisional voter affidavit will be used as a registration application and the voter will be sent a voter's registration ID card. 10 ILCS 5/18A-15

## CAN A PROVISIONAL BALLOT CAST IN AN INCORRECT PRECINCT BE COUNTED?

In certain circumstances, yes. Though election judges are required to direct voters to their correct polling place, votes for statewide offices on a provisional ballot mistakenly cast in an incorrect precinct but within the voter's county or municipality shall be valid and counted in accordance with Article 18A of the Illinois Election Code. Votes for Congressperson, General Assembly, countywide, citywide, or township office on a provisional ballot mistakenly cast in the incorrect precinct but in the correct congressional district, legislative district, representative district, county, municipality, or township, as the case may be, shall also be valid and counted in accordance with Article 18A of the Illinois Election Code.